

**BOROUGH OF GIBBSBORO  
PLANNING BOARD AGENDA  
February 22, 2023  
7:00 P.M.**

**Meeting called to order** at 7:03 p.m.

**Secretary Troxel read the Opening Statement:** "All the notice requirements of the Open Public Meeting Act have been complied with in full."

**ROLL CALL**

Present:

Chairwoman LuAnn Watson  
Vice Chairman Michael Kelly  
Mayor Edward G. Campbell  
Councilman Michael MacFerren  
Mrs. Susan Croll  
Ms. Barbara Gellura  
Mr. Barry Rothberg  
Mr. Dennis Deichert  
Mr. John Ritz

Absent:

Professionals:

Solicitor, Kathleen McGill Gaskill  
Engineer, Gregory Fusco  
Planner, Brian Slaugh

**RESOLUTIONS**

**PB2023-2-09 RESOLUTION GRANTING MINOR SUBDIVISION APPROVAL WITH VARIANCES TO THE BOROUGH OF GIBBSBORO REGARDING THE PREMISES KNOWN AS BLOCK 7.01, LOT 4, ALSO KNOWN AS 96 HADDON AVENUE, GIBBSBORO, NEW JERSEY**

On January 25, 2023, the Borough of Gibbsboro Planning Board (hereinafter the "Board") held a public hearing at which time the following members were present:

LuAnn Watson, Chairperson  
Michael Kelly, Vice-Chairperson  
Edward Campbell, Mayor  
Councilman Michael MacFerren  
Susan Croll  
Dennis Deichert  
Barbara Gellura  
John Ritz

The following were also present at the meeting:

Kathleen McGill Gaskill Esquire, Solicitor  
Amy C. Troxel, Planning Board Secretary  
Greg Fusco, Planning Board Engineer

Brian Slaugh, Planning Board Planner

**SUBJECT**

The Board considered the Application of the Borough of Gibbsboro (hereinafter referred to as “the Applicant”), the contract purchaser of a new lot to be created from the minor subdivision under consideration of the premises known as 96 Haddon Avenue, Gibbsboro, New Jersey, also known as Block 7.01, Lot 4 on the Gibbsboro Tax Map (hereinafter the “Subject Property”).

Brian Cavanagh is the title owner of the Subject Property on which there is currently a single-family dwelling, a small barn converted to a garage and a shed, and he has consented to this application via letter dated October 10, 2022, which has been made a part of this application.

This subdivision is being sought by the Applicant as it will allow for the acquisition of the new lot created by the proposed subdivision by the Applicant in furtherance of its future plans for the consolidation of this new lot with other lots in the Lakeview North Redevelopment Area to aid in the future commercial development of this Area.

The Applicant proposes to subdivide the Subject Property into two (2) lots: Lot 4 on which the residential dwelling is located will be reduced in size and which will require three (3) variances relating to maximum lot coverage and rear yard setbacks; and a new lot to be designated Lot 4.01, which will require one (1) variance for minimum lot area.

The Application is made in accordance with the Gibbsboro Subdivision Ordinance and Zoning Ordinance, Chapters 358 and 400, respectively, and the New Jersey Municipal Land Use Law N.J.S.A. 40:55D-47, 40:55D-60, and 40:55D-70 (c).

The Applicant was represented at the hearing by the Borough Solicitor, John P. Jehl, Esquire, and Robert Scott Smith, PLS., PP, of Key Engineers, Inc. who provided expert testimony in support of the application.

The following exhibits were also included as part of the record:

- A-1 Application for minor subdivision and variances dated 01/13/2023.
- A-2 Subdivision check list, prepared by Robert Scott Smith, PLS, PP and dated 01/13/2023.
- A-3 Plan of Survey and Minor Subdivision prepared by Robert Scott Smith, PLS of Key Engineers Inc., dated 01/11/2023 and signed 01/13/ 2023.
- A-4 Letter from the owner of the Subject Property, Brian Cavanagh, consenting to this application.
- A-5 Notice of Hearing.
- A-6 Proof of mailing.
- A-7 Proof of publication.
- A-8 Notice of Property Owners
- A-9 Proof of taxes paid.

The hearing was opened to the public and no one from the public appeared to testify.

**FINDINGS OF FACT**

The Planning Board, having determined that the Application, Notice to Property Owners, Notice of Publication and affidavits were in proper form and having examined the Exhibits and considered the testimony, finds as follows:

1. The Gibbsboro Planning Board has jurisdiction with respect to the Application for minor subdivision and variance relief pursuant to the Gibbsboro Land Development Ordinance, as well as the Municipal Land Use Law N.J.S.A. 40:55D-47, 40:55D-60, and 40:55D-70 (c).

2. The Subject Property is a 1.03 acre parcel on which there is an existing single family dwelling with related improvements and accessory structures located in the Gibbsboro Historic District. The Subject Property has a width of 150 feet and a depth of 300 feet. The Subject Property is a split zone lot with the front portion being situated in the R-15 Residential Zone and the rear portion being situated in the C-2 Highway Business District. The Subject Property is a conforming lot with the exception of the front yard setback, which is an existing condition of this dwelling which will not be impacted by this application.

3. The Applicant propose to subdivide Lot 4 into two (2) lots, to be designated as Lot 4 and Lot 4.01 on the Tax Map. Lot 4 will be 0.60 acres (18,749.5SF) in size and will encompass the existing dwelling and all site improvements and accessory structures. Lot 4.01 will be 0.43 acres in size which, with the exception of a dilapidated high wire fence, is unimproved. The proposed Lot 4.01 would be a landlocked parcel, but it will abut Block 7.01, Lot 1.01 to the rear, which was purchased by the Applicant and fronts on Lakeview Drive (County Road 561). In seeking this subdivision, it is the Applicant's plan to acquire Lot 4.01 and consolidate it with other parcels in the Lakeview North Redevelopment Area for future commercial development.

4. The creation of a new Lot 4 requires the approval of three (3) bulk variances as required by Borough Code §400-12(D) : First, a variance from the 40% maximum lot coverage requirement is needed to allow for a lot coverage of 46.5%. Two (2) variances are also required for the rear setback requirement of 30 feet to accommodate the existing rear accessory structures on this parcel, with the rear setback on the existing garage being 10 feet and the rear setback on the existing shed being 6 feet from the new rear property line.

5. The creation of the new Lot 4.01, which will be situated in the C-2 Highway Business District, requires one (1) variance for lot size. As required by Borough Code § 400-19(C)(1), a minimum lot size of 0.5 acres is required and a lot size of 0.43 acres is proposed for Lot 4.01.

6. With respect to the proposed Lot 4, the Board planner, Brian Slaugh, testified that an additional variance would be required as the accessory structures on site exceed the one (1) structure allowed given the proposed lot area is less than 40,000 square feet as required under Borough Code § 400-10(E). With respect to proposed Lot 4.01, an additional variance would be needed to allow for a landlocked lot to be created by this subdivision. Mr. Slaugh opined that this nonconformity along with the required variance for the minimum lot size could both be eliminated by the consolidation of this proposed Lot 4.01 with Block 7.01, Lot 1.01 to the rear, which is owned by the Applicant and fronts on Lakeview Drive. The Applicant agreed that this consolidation will be a condition of any approval. This consolidation ensures that the requirement for minimum lot size and frontage on an approved street will be met.

7. Robert Scott Smith, a New Jersey licensed Professional Planner, was qualified as an expert witness for the Applicant. Based upon his testimony, the Board finds that the burden of proof for the granting of the bulk variances requested in this application under N.J.S.A. 40:55D-70 c(2) have been satisfied. Addressing the positive criteria for variance approval, Mr. Smith opined that with respect to the Subject Property that the purposes of the Municipal Land Use Law (MLUL) would be advanced by the deviations needed to effectuate this subdivision. Specific reference was made to the purposes of the Municipal Land Use Law set forth in N.J.S.A. 40:55D-2 which will be advanced by this application, namely: subsection (a) to encourages municipal

action to guide the appropriate use or development of all lands as the application to this split zoned lot retains the residential character of Lot 4 consistent with surrounding area and allows for commercial development of Lot 4.01 consistent with its C-2 zoning classification; subsection (e) to promotes the establishment of appropriate densities and concentration; subsection (g) to provide sufficient space for a variety of residential and commercial uses as the application takes a split zoned lot and establishes a residential lot and a commercial lot; and (j) to promote the conservation of historic sites as this application preserves an existing historical home.

8. Mr. Slauch, the Board’s planner added that the application would facilitate redevelopment in the Borough and would advance the purposes of zoning as set forth at N.J.S.A. 40:55D-2 (f) and (m).

9. Mr. Smith further testified that the variances can be granted without substantial detriment to the public good and the benefit of the variances would substantially outweigh any detriment. As the application is consistent with the Lakeview North Redevelopment Plan, the variances required to effectuate this subdivision would not be contrary to the zone plan or zoning ordinances.

10. Mr. Smith requested that as part of this application that a temporary easement for access to proposed Lot 4.01 be provided the owner of proposed Lot 4 for purposes of providing access for the removal of a tree in close proximity to the rear shed on Lot 4 and the property line. As agreed by the Board, this temporary easement would sunset on the tree removal or the commencement of development on Lot 4.01, whichever occurs first.

11. The Applicant will perfect the minor subdivision approval by filing a deed or filing a plat as required by the Municipal Land Use Law. The deed or plat must be approved by the Planning Board Engineer and Solicitor. The Applicant will then file a deed of consolidation consolidating the newly created Block 7.01, Lot 4.01 with the Applicant’s adjoining property at Block 7.01, Lot1.01.

**CONCLUSION**

Based upon the evidence and testimony presented, the Planning Board concludes that the statutory criteria for granting the bulk variances required to effectuate this minor subdivision have been met and the minor subdivision is approved as outlined in this Resolution.

On the Motion of Mayor Campbell, seconded by Councilman MacFerren, the Planning Board voted unanimously to grant the variances as outlined in this Resolution and the approval of the minor subdivision.

**ROLL CALL VOTE**

LuAnn Watson	Yes
Michael Kelly	Yes
Edward Campbell	Yes
Michael MacFerren	Yes
Susan Croll	Yes
Barbara Gellura	Yes
Dennis Deichert	Yes

Motion to approve resolution: Mrs. Croll, second Mr. Deichert

Poll: Ayes – Kelly, Campbell, MacFerren, Croll, Gellura, Deichert, Watson

**MINUTES**

Motion to dispense reading and approve the minutes of 1/25/23: Mr. Deichert, second Mr. Kelly

Vote: Ayes – Kelly, Campbell, MacFerren, Croll, Gellura, Deichert, Ritz, Watson  
Abstain - Rothberg

**OLD BUSINESS** None

**COMPLETENESS** None

**NEW BUSINESS**

1. USE VARIANCE, PRELIMINARY & FINAL MAJOR SITE PLAN, CERTIFICATE OF APPROPRIATENESS (Docket #22-13)

Applicant: Gibbsboro Car Wash LLC/Ed Henry  
Project: Installation of a car wash  
Address: 11 North Lakeview Drive  
Block 7.04, Lots 19.12, 19.13 & 19.14  
Fee/Escrow: Paid

Application deemed complete 1/10/23

Revised application and applicant response letter received 1/25/23

Planner's Report, dated 2/13/23  
Engineer's Report, dated 2/15/23

Mayor Campbell and Councilman MacFerren recused themselves from participating in this application.

Jennifer Johnson, Esquire, of Flaster Greenberg appeared on behalf of this application. Also present to testify were Clifton Quay, engineer from Stantec, and Edward Henry, the sole proprietor of Gibbsboro Car Wash LLC. Mr. Quay and Mr. Henry were sworn in by Ms. Gaskill.

The Planning Board professionals, Mr. Fusco and Mr. Slaugh, were also sworn in by Ms. Gaskill.

The applicant is requesting a use variance, preliminary and final site plan approval as well as the granting of a Certificate of Appropriateness to construct a car wash at 11 North Lakeview Drive. A Certificate of Appropriateness to demolish the existing structures was previously granted by the Board.

Mr. Henry provided testimony regarding the operational details of the proposed carwash, including the number of employees, employee parking, recycling of water, types of cleaning materials to be used, vacuum stations, and delivery of supplies. Mr. Quay provided testimony regarding the variances being requested, the proposed vacation of Troth Road, the circulation plan within the lot and relocation of driveways for ingress and egress, proposed streetscape improvements, queuing

capacity, and trash enclosures.

In support of the required use variance, Mr. Quat testified that the zoning ordinance already permits some auto-related uses and that a car wash is generally consistent with permitted uses in the C-2 zone. Further, a car wash meets the needs of the public, the particular style of this car wash is not available anywhere in the nearby area, the proposed site plan promotes good design, will provide for enhancement of the streetscape, will eliminate one access point on Lakeview Drive, the orientation of the building will mask most of the activities on the premises, and that the business is environmentally conscious. The vacation of Troth Road will remove the burden of maintenance from the Borough and alleviate ongoing drainage concerns.

Variations (4) being requested include two façade signs where one is permitted, the size of the façade signs, which although the dimensions exceed what is permitted, will be consistent with the size of the building, and one additional sign variance for the number of colors to be used. Requested design waivers include the drive aisle, safety island, and parking spaces (variance and design waiver). Conditions of approval include compliance with the recommendations of the review letters provided by the Planner and Engineer (except for the green roof, which is permitted), the submission of revised plans including a detail of the trash enclosure, the vacation of Troth Avenue, the consolidation of the existing three lots and Troth Avenue, any easements deemed necessary, a request for sewer to be made to the Borough Engineer, a letter from New Jersey American Water, and compliance with any recommendations from the Fire Marshal.

Public Comment: None

Motion to approve Use Variance: Mrs. Croll, second Mr. Deichert

Poll: Ayes – Kelly, Croll, Gellura, Rothberg, Deichert, Ritz, Watson

Motion to approve Preliminary and Final Site Plan, including variances and design waivers, and grant a Certificate of Appropriateness, subject to the specified conditions: Mr. Deichert, second Mr. Rothberg

Poll: Ayes – Kelly, Croll, Gellura, Rothberg, Deichert, Ritz, Watson

2. PRELIMINARY & FINAL MAJOR SITE PLAN, CERTIFICATE OF APPROPRIATENESS (Docket #22-20)

Applicant/Owner: Sonraj, LLC  
Project: Demolition of two existing structures at 101 & 103 North Lakeview, renovation of existing bank structure at 95 North Lakeview, consolidation of lots  
Address: 95, 101 & 103 North Lakeview Drive  
Block 7.01, Lots 1.02, 1.03, 1.05, 1.09, 1.10 & 3  
Block 7.02, Lots 2, 3.02, 3.03 & 4  
Fee/Escrow: Paid

Application deemed complete 1/10/23

Revised application and applicant response letter received 1/30/23

Richard Wells, Esquire, of Archer & Griner appeared on behalf of this application. Also present to testify were Anthony DiRosa, engineer from TriState Engineering, Dan Jost, architect from DJ Architecture, Victor Anosike, traffic engineer from McMahon Associates, Sonali Patel, owner of OneGreenLeaf, and Dave Patel, consultant for OneGreenLeaf. The aforementioned were sworn in by Ms. Gaskill.

The applicant is requesting preliminary and final site plan approval as well as the granting of a Certificate of Appropriateness to operate a Class 5 retail dispensary at 95 North Lakeview Drive. The property is located in a redevelopment area, and the applicant, Sonraj LLC, has been approved by the Governing Body as the developer. The proposed use is a permitted use. The tenant, OneGreenLeaf, is fully licensed by the State of New Jersey.

Mr. DiRosa testified that two residential structures located at the adjacent properties of 101 and 103 North Lakeview Drive have been demolished. The remaining bank building will be renovated to be used as a cannabis dispensary, and the existing drive-through will be utilized. All of the lots currently associated with 95-103 North Lakeview Drive will be consolidated as a condition of approval. The property will contain 39 parking spaces, two of which will be ADA compliant, three of the existing curb cuts will be utilized and one will be abandoned, a trash enclosure will be located on the southern end of the property near Haddon Avenue, and much of the existing vegetation will be preserved.

Mr. Jost provided testimony regarding the architectural design, including variances being requested for signage.

Ms. Patel provided testimony regarding the operational details of the proposed dispensary, including the number of employees, their qualifications and vetting, security protocols, and product delivery and storage. Considerable testimony was provided on the drive-through, which may only be utilized by customers who have pre-ordered and pre-paid. Customers will then be assigned a pickup time to avoid over-congestion at any one time.

Mr. Anasoke testified that while there may be a spike in traffic related to the opening of the facility, studies show that the traffic trends down after several weeks of operation. The long-term traffic pattern is likely to be less than the previous bank when it was operational, even during peak hours. Mr. Anasoke also noted that once customers become familiar with the facility's business model, they are most likely to take advantage of the drive-through, which is designed to spread the flow of traffic out by assigning pickup times.

Comments from the Board included a request for an easement for any future sidewalk extension along Haddon Avenue, consideration of an additional ADA parking spot, and cross access easements for the lots to be developed to the east (Phase 2 of the redevelopment area).

Mr. Slauch raised some question about the driveway access points formerly associated with the 101 North Lakeview Drive. These access points were not designed for a commercial use, and the aprons may need to be reconstructed to withstand the proposed use.

Public Comment:

Kathleen Benthoff, 92 Haddon Avenue.  
Ann Braddock, 72 Haddon Avenue

Application adjourned to next meeting.

**PENDING BUSINESS**

3. BULK VARIANCES (Docket #23-02)

Applicant: Creekview Development Company LLC  
Owner: Donald Pollack/Fidelity Asset Management LLC  
Project: Construction of new residential structure  
Address: 74 West Clementon Road  
Block 58.01, Lot 9.05  
Fee/Escrow: Paid

4. USE VARIANCE (Docket #23-03)

Applicant: Anne-Marie & Cory Bailey  
Project: In-law suite  
Address: 77 Winding Way  
Block 114, Lot 1  
Fee/Escrow: Paid

5. CERTIFICATE OF APPROPRIATENESS (Docket #23-04)

Applicant: Yasel Corporan/Rim Haidar  
Project: Installation of solar panels by Fusion Solar Energy  
Address: 25 West Clementon Road  
Block 19.01, Lot 7  
Fee/Escrow: Paid

**EXEMPTIONS GRANTED** None

**CORRESPONDENCE**

From: Emily V. Esche, Licensed Site Remediation, dated 2/1/23  
To: Bill Lepper, Scioto Senior Construction Manager  
Re: Response Action Outcome  
Action: Informational

From: Cornerstone Development of Gibbsboro LLC  
To: Borough of Gibbsboro  
Re: Notice of Public Hearing (Voorhees Planning Board)  
1202 Berlin Road, Voorhees (Block 262, Lot 2)  
Nature of Relief: Variance or Conditional Use  
Action: Informational

From: Christopher McAuliffe, Morgan Lewis, dated 2/15/23  
To: Secretary Troxel  
Re: Minor Subdivision at 185 Kirkwood Road (Block 59.01, Lots 5.01, 5.02, 5.03)



FEBRUARY 22, 2023

Recorded subdivision deeds, fully executed plat, and recorded roadway  
easement  
Re: Informational

**INFORMATIONAL**

1. Next regular Planning Board meeting is scheduled for Wednesday, March 22, 2023 at 7:00 p.m. at the Senior Recreation Center.


**PUBLIC COMMENTS**

None

**ADJOURNMENT**

Motion to adjourn the meeting at 10:58 p.m. Mr. Rothberg, second Mr. Deichert

Vote: Ayes unanimous



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AMY C. TROXEL, Secretary

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